IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

CRL.A.No. 1241 of 2001()

CC.645/1999 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

.....

APPELLANT: COMPLAINANT

N.SANTHOSH, AGED 31 YEARS
S/O.SANKARAN
SALESMAN, RESIDING AT MELICHAN HOUSE
KANNADI PARAMBA P.O.

BY ADV. SRI.HARIDAS THAIKKANDY
SMT.DAISY THAMPI

RESPONDENT:ACCUSED

C.GOPALAN
RESIDING AT "SHANTHA BHAVAN"
KOLOLAM, P.O. EDAYANNUR
KANNUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.1241 of 2001

Dated this the 4th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 3.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl